

# **Prize Competition Rules**

**by SEQ Legal**

# Prize Competition Rules<sup>1</sup>

## How to enter

To enter the competition you must take the following steps:

- ⤴ [complete the competition entry form on our website in full; and
- ⤴ submit that form].<sup>2</sup>

[The competition is completely free to enter.

OR

In addition, there is a free entry route. To take advantage of the free entry route, you must take the following steps: [*specify steps*].<sup>3</sup>

Before entering, you should check that you meet the eligibility requirements and that none of the entry restrictions apply.

## Eligibility and entry restrictions

To be eligible to enter the competition you must:

- ⤴ be a natural person;
- ⤴ be [at least / not less than] [*age*] years old [and [at most / not more than] [*age*] years old];
- ⤴ be permanently resident in [*jurisdiction*];
- ⤴ not be our employee, officer or agent, or an employee, officer or agent of any person or organisation involved in the running of the competition, and you must

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1 This template has been designed to help those running prize competitions to ensure they are properly structured. The rules should help you to comply with the CAP Code provisions relating to prize competitions.

<http://www.cap.org.uk/The-Codes/CAP-Code/~//media/Files/CAP/Codes%20CAP%20pdf/CAP%20Section%208.ashx>

Prize competitions should also comply with the wider laws of unfair trading and consumer protection, notably the Consumer Protection from Unfair Trading Regulations 2008:

<http://www.legislation.gov.uk/ukdsi/2008/9780110811574/contents>

These rules are not suitable for competitions which fall within the scope of UK gambling laws. For more information, see the guidance on the website of the Gambling Commission. If you are unsure whether your competition falls within those laws, you should take legal advice. See:

[http://www.gamblingcommission.gov.uk/gf-faqs/competitions\\_and\\_prize\\_draws/can\\_i\\_run\\_a\\_prize\\_competition.aspx](http://www.gamblingcommission.gov.uk/gf-faqs/competitions_and_prize_draws/can_i_run_a_prize_competition.aspx)

The rules include a straightforward licence of copyright, allowing you to use and reuse competition entries.

Those entering the competition should indicate their agreement to the rules, for example using a check-box on a web form.

Note that most of the provision of this template reflect specific requirements of the CAP Code.

When amending this document, keep in mind that the CAP Code requires that participants be able to retain conditions or at least access them throughout the promotion (8.28) and that promoters keep competition rules as simple as practicable (8.23).

- 2 Specify the entry process here. The included text represents an example of a very simple entry process.
- 3 If competition entry requires a payment, whether to you or a third party, you can specify a free alternative route to entry here. See: the rules on "free draws" under the Gambling Act 2005 and Section 8.17.2 of the CAP Code.

- not be a family relation of any such person;
- ⤴ [have your own email address, and have access to a computer, a web browser and an internet connection]; and
- ⤴ [*other restrictions*].

The maximum number of entries per [individual / organisation] is [*number*].

The maximum number of entries for the competition is [*number*]. Once [*number*] of entries have been received, the competition will be closed to new entries, notwithstanding the closing date specified below.

### **Start and closing dates**

The competition will open to entries at [*time*] on [*date*], and will close to entries at [*time*] on [*date*].<sup>4</sup>

These dates and times are the relevant dates and times in [England / [*specify time zone*]].

### **Judging**

Entries shall be judged by [*identify judges*].

Entries shall be judged on the basis of the following criteria:

- ⤴ [*specify criteria*].<sup>5</sup>

[The judges shall be independent. / The panel of judges shall include at least one independent judge, whose name shall be available on request to the address given below.]<sup>6</sup>

If an entrant does not meet the eligibility requirements or is subject to any entry restrictions, that entrant shall not be entitled to be adjudged a winner, and will not be entitled to a prize in any circumstances.

### **Notification of winners**

Prize winners will be notified by [email and post] not more than [*number*] weeks following the closing date of the competition, and will receive their prizes not more than [*number*] weeks following the closing date.

### **Announcement of results**

The results of the competition will be announced [on our website] within [*number*] weeks following the closing date of the competition.

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4 NB under Section 8.22 of the CAP Code, "Promoters must not claim that consumers must respond by a specified date or within a specified time if they need not".

5 Does success in the prize competition depend on "the exercise of skill, judgment or knowledge"? If not, or if you are unsure, then you should look very carefully at the gambling laws to ensure that the competition is not regulated by those laws. See the hyperlinks in footnote 1.

6 Section 8.26 of the CAP Code says: "In competitions, if the selection of a winning entry is open to subjective interpretation, an independent judge, or a panel that includes one independent member must be appointed. In either case, the judge or panel member must be demonstrably independent, especially from the competition's promoters and intermediaries and from the pool of entrants from which the eventual winner is picked. Those appointed to act as judges should be competent to judge the competition and their full names must be made available on request".

The announcement will include the first names, [surnames], [ages], [town or region of residence], [other information] and prize details of prize winners

## **Prizes<sup>7</sup>**

The prizes shall be as follows:

- ⤴ first prize shall be [*insert details*];
- ⤴ second prize shall be [*insert details*]; and
- ⤴ third prize shall be [*insert details*].

[At [our / the judges'] discretion a cash alternative of equivalent value may be substituted for any prize.

OR

There shall be no cash alternatives to any prize.]

## **Copyright and moral rights**

In this section of the rules: "materials" means [*define the materials in which copyright will subsist*]; and "publications" means [*define the publications where the materials may be published - this could just be "any existing or future media, including ..."*].

By entering the competition, you warrant and represent that you created the materials, that own all of the copyright in the materials, and that our use of the materials in accordance with the licence below will not infringe any person's intellectual property rights or other legal rights.

You grant to us [a non-exclusive / an exclusive] world-wide royalty-free non-revocable licence to:

- ⤴ copy the materials;
- ⤴ adapt, alter and edit the materials;
- ⤴ publish the materials, and adapted, altered and edited versions of the materials, in the publications;
- ⤴ [*any other rights?*]; and
- ⤴ [sub-license the above rights].

[You irrevocable and unconditionally waive your right to be identified as the author of the materials to the maximum extent permitted by applicable law.]

[You irrevocably and unconditionally waive your right to object to derogatory treatment of the materials to the maximum extent permitted by applicable law.]

## **[No return of entries / Return of entries]**

[Your entry will not be returned to you. Please, therefore, keep a copy of your entry.

OR

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<sup>7</sup> The exact number of prizes should be specified (where relevant). You should be completely clear about the criteria for awarding each prize.

You should take advice from your accountant or tax advisor regarding any tax implications of prizes.

Your entry will be returned to you within [*number*] days following the closing date of the competition.]

### **[Publicity**

We [will / may] undertake publicity activities after prize awards.

We [will / may] [publish / arrange for the publication of] the first names, [surnames], [ages], [town or region of residence], [*other information*] and prize details of prize winners in [*publications*].

We [will / may] provide the first names, [surnames], [ages], [town or region of residence], [*other information*] and prize details of prize winners to [*recipients*] for [*purposes*].

We [will / may] [require / invite] prize winners to attend [*events*] for [*purposes*].]

### **[Promotional packs**

Promotional packs for the competition may be ordered on our website. A maximum of [*number*] promotional packs are available per person, a maximum of [*number*] per organisation, and a maximum of [*number*] in total.]

### **Our details**

The competition is run by [*name*] of [*address*].

If you have any questions or comments about the competition, please contact us by telephone ([*number*]), email ([*email address*]) or by writing to the above address.